

Amendment and Response

Applicant: Mohammad M. Samii

Serial No.: 10/634,424

Filed: August 5, 2003

Docket No.: 200205843-6

Title: PHOTSENSOR ACTIVATION OF AN EJECTION ELEMENT OF A FLUID-EJECTION DEVICE

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed November 15, 2004. In that Office Action, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Tamura et al., U.S. Patent No. 4,794,463 ("Tamura"). The Examiner also rejected claims 1-14 and 23 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-12 of Samii, U.S. Patent No. 6,799,819 ("Samii").

With this Response, claim 1 has been amended. Claims 1-14 and 23 remain pending in the application and are presented for reconsideration and allowance.

Double Patenting Rejection

The Examiner rejected claims 1-14 and 23 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-12 of Samii, U.S. Patent No. 6,799,819 ("Samii"). In response, the Applicants have submitted herewith a Terminal Disclaimer filed under 37 C.F.R. 1.321 along with the appropriate fees to obviate the Examiner's double patenting rejection.

35 U.S.C. §102 Rejections

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Tamura et al., U.S. Patent No. 4,794,463 ("Tamura"). Applicant has amended claim 1 herein to recite that the photosensors are "junction" photosensors. Tamura does not teach or suggest a printhead assembly with a plurality of junction photosensors as recited in amended independent claim 1. Tamura does not teach or suggest "each junction photosensor configured to generate an activation signal that causes the ejection element coupled to the photosensor to be activated when the photosensor is illuminated by a light source" as recited in amended independent claim 1.

In view of the above, independent claim 1 is not taught or suggested by Tamura. Allowance of claim 1 is respectfully requested.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-14 and 23 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-14 and 23 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958 or Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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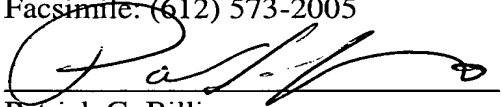
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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of February, 2005.

By 
Name: **Patrick G. Billig**